

REMARKS

Claims 1-16 and 20-67 are pending. Applicants thank the Examiner for the indication that claims 20-38 are allowed.

Newly added claims 39-67 correspond to claims 1-5, 12-16 and 20-38, rewritten to remove the term “means” and are therefore allowable for the reasons claims 1-5, 12-16 and 20-38 are allowable.

Claims 1-11 are rejected under 35 USC 103(a) as being unpatentable over Tabata, U.S. Patent No. 6,537,324 in view of Maeda, Japanese Patent Publication No. 2000-118085. This rejection is respectfully traversed.

The Examiner admits that Tabata fails to disclose a data processing device connected to a server computer via a network comprising a transmitting means for transmitting the image data to a specific destination if it fails to obtain the file from the server computer based on the location information. Instead, the Examiner relies on Maeda as teaching this feature and states that it would have been obvious to modify Tabata in view of Maeda “to use an alternate location for retrieving the data, thereby allowing the user to go to a substitute location to retrieve the data when the user is unable to retrieve the data from the first location.”

The Examiner cites to paragraphs 10-14 to support his assertion that the claimed transmitting means is taught by Maeda. However, Maeda does not disclose this feature of claim 1. In particular, according to the invention of claim 1, the image data to be transmitted includes the location information for obtaining the file from the server computer. Maeda does not disclose that the image data to be transmitted includes the location information. Although the Examiner might associate metadata of the HTML file and the image data, Maeda does not disclose that the device transmits the metadata of the HTML file if it fails to obtain the file. In fact, Maeda actually relates to determining whether the linked data of a URL is printable (abstract). If Maeda determines that the data is not printable, a data conversion process is performed at the external terminal to make the data printable. Maeda does not transmit image data to a specific destination if it fails to obtain the

file from the server computer based on the location information. Maeda is not concerned with whether the file can actually be obtained, but is merely concerned with the situation in which the external terminal is unable to print that file. Thus, Maeda does not teach that which the Examiner asserts and one of ordinary skill in the art would not have been motivated to modify Tabata to transmit the image data to a specific destination if it fails to obtain the file from the server computer based on the location information in light of the teachings of Maeda. Thus, the features of claim 1 are not taught or suggested by Tabata, Maeda or a combination thereof.

Claims 2-5 are allowable at least due to their dependency from claim 1. Claim 6 is a method claim which corresponds to claim 1, and is therefore allowable for the reasons set forth above. Claims 7-11 are allowable at least due to their dependency from claim 6. Applicants request that this rejection be withdrawn.

Claims 12-16 are rejected under 35 USC 103(a) as being unpatentable over Tabata in view of Hamano, Japanese Patent Publication No. 10-301954. This rejection is respectfully traversed.

The Examiner admits that Tabata fails to teach or suggest means for judging whether the second image data agrees with the first image data. The Examiner asserts that this feature is shown by Hamano. Applicants respectfully disagree.

Hamano discloses that an HTML file is retrieved based on the designated URL, the current HTML file and HTML files to be retrieved previously are compared, the image data obtained by converting from HTML file and stored previously in the cache is read out if those two HTML files are the same, and the current HTML file is converted to image data if those two HTML files are different (see abstract). Hamano does not disclose comparing of image data, rather it discloses comparing HTML files which represent the image data. Thus, Hamano does not teach that which the Examiner asserts and the features of claim 12 are not taught or suggested by Tabata, Hamano or a combination thereof.

Claims 13-16 are allowable at least due to their dependency from claim 12. Applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772028000.

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